



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,006	12/31/2003	Matthew F. Kelly	BLLYP032.US02	5521

45965 7590 04/10/2007
TECHNOLOGY & INTELLECTUAL PROPERTY
STRATEGIES GROUP PC dba TIPS GROUP
P. O. BOX 1639
LOS ALTOS, CA 94023-1639

EXAMINER

MOSSER, ROBERT E

ART UNIT	PAPER NUMBER
----------	--------------

3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/751,006

Applicant(s)

KELLY ET AL. ✓

Examiner

Robert Mosser

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Claim number 7 is absent from the amended claims presented March 8th, 2004, and is considered cancelled.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 9-11, 14, 18-19, and 27-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Wendkos (US 5,983,196).

Claims 1-3: Wendkos teaches an interactive computer network including:

allowing a participant to participate in a game on multiple occasions thereby providing a plurality of games in exchange for a monetary commitment (Col 16:66-17-2);

Art Unit: 3714

based on the participant interact with the game awarding the player a prize (Col 16:58-64), wherein said prize includes prize credits and a merchandise prizes (Figure 5);

and allowing the player to redeem their prize credits through displaying information from a website corresponding to a plurality of centralized servers (interactive platform) that regulate prize distribution on the game unit where the prizes are won (Col 16:63-66).

Wherein the internet is inherently composed of a plurality of servers interconnected with the interactive computing platform utilized to manage and regulate prize distribution.

Claims 4, 9, and 27: Wendkos teaches allowing a user accrue (Abstract) and redeem their prize as long distance time at a remote telephone (Col 2:46-60).

Claims 10-11: Wendkos teaches the manual entry of player address information (Col 3:43-52, Figure 4, 25B).

Claims 14, and 18-19: Wendkos teaches the redemption credits at the device where the credits were acquired (Col 14:61-15:9).

Claims 28-29: Wendkos further teaches that the disclosed system is customizable by the operator through selective activation of features (Col 8:57-65) and control over payout features (Col 11:23-29).

Claim 30: Wendkos teaches providing a list of customers to a sponsors who have redeemed certificates (Col 10:34-44).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 5-6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wendkos (US 5,983,196).

Claim 5: Wendkos teaches the network computing arrangement including the use of the internet as taught above however is silent regarding allowing players to utilize multiple web pages from where the prize was won to display information relating to prize redemption on the internet. The examiner gives official notice that the use of webpage

Art Unit: 3714

to display information from the internet on a client computer is extremely old and well known in the art. As the invention of Wendkos is silent regarding the specific manner utilized in the communication of information over the Internet one of ordinary skill at the time of invention would have been motivated to use known manner of Internet communication to realize the invention of Wendkos. It therefore would have been obvious to one of ordinary skill in the art at the time of invention to have utilized web pages to display the prize information in the internet connected computing system of Wendkos to employ conventional and proven technology to provide players with formatted prize information.

Claims 6, and 8: Wendkos teaches the network computing arrangement including the use of the internet as taught above however is silent regarding the particular web page technologies utilized to construct web pages. The Examiner gives official notice that the utilization of HTML standard and Java script are exceptional old and well known technologies for the creation of web pages. As the invention of Wendkos is silent regarding the particular web-age technologies utilized to construct web pages one of ordinary skill at the time of invention would have been motivated to use known manners of Internet communication to realize the invention of Wendkos. It therefore would have been obvious to one of ordinary skill in the art at the time of invention to have utilized html standard and Java script in the creation of web pages in the internet connected computing system of Wendkos to employ common standards and scripts available at the time of claimed invention.

Claims **23-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wendkos (US 5,983,196) as applied to at least claim **2** above and further in view of Schneier et al. (5,768,382).

Wendkos teaches the network computing arrangement including the identification of a player as taught above and the inclusion of football type games however Wendkos is silent on whether or not the disclosed football game is a game of chance or skill. As the invention of Wendkos is silent on whether or not the disclosed football game is a game of chance or skill. one of ordinary skill at the time of invention would have been motivated to seek other teachings on game types related to football. Schneider et al includes teachings directed to a football type games (Col 36:26-53) and additional teachings that such games played over a remote terminal may be of a chance or skill type game (Col 9:12-15, 7:8-14, 48:42-53). It therefore would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the football game of Wendkos as a chance or skill game in order to employ known conventional gaming types in a football related games as taught by Schneier et al.

Claims **12** and **13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wendkos (US 5,983,196) as applied to at least claim **2** above and further in view of Atkins (5,644,727).

Wendkos teaches the network computing arrangement including the identification of a player and player address as taught above however is silent regarding the

Art Unit: 3714

automatic extracting of known information from a credit card. In a related account management system Atkins teaches automatic extracting of customer supplied information from a credit card in order to verify the identity of an individual. It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated automatic extracting of customer supplied address information from a credit card in order to verify the identity of an individual as taught by Atkins (Atkins Col 5:62-65).

Claims **15-17** and **20-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wendkos (US 5,983,196) as applied to at least claim **2** above and further in view of Cohen et al (US 5,231,568).

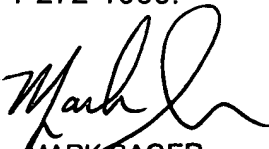
Wendkos teaches the network computing arrangement including the identification of a player and player address as taught above however is silent regarding allowing the redemption of prizes through the printing of coupons containing barcodes. In a related invention however Cohen et al teach the presentation of coupons for the delivery of prizes (*Cohen* Col 3:19-25), that may be exchanged at a retail facility (Col 7:51-66). The Examiner gives *official notice* that it is old and well known in the art of tickets and coupons to utilize printed barcodes on the printed device for ease of entry and record keeping. It would have been obvious to one of ordinary skill in the art at the time of invention to have utilized the coupon reward features of Cohen et al in the invention disclosed by Wendkos with the inclusion of barcodes to reduce cost of prize delivery in a manner that is machine readable and convenient for the tracking of said coupons.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Mosser whose telephone number is (571)-272-4451. The examiner can normally be reached on 8:30-4:30 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


MARK SAGER
PRIMARY EXAMINER

RM
March 31st, 2007